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## **PRESS RELEASE**

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**FOR IMMEDIATE RELEASE**

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### **PHOENIX RESIDENT WITH PRIOR CONVICTIONS FOR SEXUAL ASSAULT OF A 72 YEAR-OLD WOMAN AND ARMED ROBBERY RETURNS TO PRISON AFTER BEING CAUGHT BURGLARIZING GUNS FROM THE RESIDENCE OF FAMILY MEMBERS WHILE THEY WERE ATTENDING A FUNERAL**

**PHOENIX, ARIZONA** –Paul K. Charlton, U.S. Attorney for the District of Arizona, and Virginia O'Brien, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), announced that on June 12, 2003, Ernesto David Valencia, Jr., DOB July 2, 1970, of Phoenix, Arizona, was sentenced to 60 months in prison for the offenses of Felon in Possession of Firearms in violation of 18 U.S.C. § 922(g)(1) and Possession of Stolen Firearms in violation of 18 U.S.C. § 922(j), by United States District Judge Earl H. Carroll, in Phoenix, Arizona.

Valencia's arrest was the result of an ATF initiated project identified as Project A.R.R.O.W., "Apprehend Released Repeat Offenders with Weapons." This project targets violent repeat offenders within the State of Arizona who have demonstrated an ongoing propensity for violence with weapons, particularly firearms. Once targeted, the project employs both proactive and reactive measures to identify whether the individuals have re-armed themselves. Once a target is known to have re-armed, ATF seeks to arrest him

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before he commits any additional crimes involving a weapon within the community. Valencia's arrest is one of the first successes of this new program.

Valencia previously plead guilty to the charges on March 14, 2003. In the course of his guilty plea, Valencia admitted the following facts. On October 28, 2002, Phoenix Police officers were dispatched to a residence in Phoenix, Arizona, to investigate a report of a burglary in progress. Once at the residence, the officers interviewed a neighbor and witness who gave a description of a male he had just seen breaking into the residence. As the officers went up to the front door, they noticed that a window near the door was broken. After several minutes, the officers made contact with Valencia at the front door. Valencia matched the description of the person the neighbor had just seen breaking into the residence. Valencia identified himself and claimed he was an occupant of the residence. After this conversation, a daughter of the owners of the residence arrived and advised the officers that Valencia did not live there and was not authorized to be on the property alone.

Upon further identification of Valencia and a determination that he was not authorized to be at the residence, the residence was searched by the officers. Based on the ransacked condition of the residence and placement of certain pieces of property found inside the home, it was determined by the officers that the home was in the process of being burglarized by Valencia. During their search, the officers found numerous items of property in the process of being stolen including two firearms, (1) a Winchester, 22 magnum caliber, lever-action rifle, and (2) a Soviet manufactured, 7.62 caliber, bolt action rifle. Valencia later admitted to the officers that he had been taking the firearms before they arrived.

On the date of the burglary, Valencia was a recently released convicted felon and a registered sex offender. Valencia had previously been convicted of Sexual Assault of a 72 year-old woman, a Class 2 felony offense, and Armed Robbery, a Class 2 felony offense, in the Superior Court of Arizona, Maricopa County, on October 13, 1989, Case Number CR-89-01759.

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On October 29, 2002, the adult residents of the residence were interviewed by ATF agents. They advised the agents that the two firearms were their guns and had been stored in the "back" bedroom closet in individual cases prior to their leaving to go to a funeral that day. They further stated that the defendant was not allowed to be on the property alone.

Valencia was initially arrested by the Phoenix Police Department on the day of the burglary and later released into federal custody. The defendant remained in federal custody pending sentencing on June 12, 2003. At sentencing, the defendant was remanded to the custody of the Federal Bureau of Prisons by Judge Carroll.

The investigation in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Phoenix Police Department with assistance from the Arizona Department of Corrections.

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